

House Bill 354

By: Representative Marin of the 96th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to prestige license plates and plates for certain persons and vehicles, so as to provide
3 for special decals issued to persons with disabilities to include a photograph of the person
4 issued the decal; to amend Code Section 10-1-164.1 of the Official Code of Georgia
5 Annotated, relating to self-service gasoline price for drivers holding special disability permit,
6 so as to correct a cross-reference; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
11 prestige license plates and plates for certain persons and vehicles, is amended by revising
12 Code Section 40-2-74.1, relating to special decal for persons with disabilities, as follows:
13 "40-2-74.1.

14 (a) The department shall issue parking permits for persons with disabilities and may
15 delegate to county tag agents the responsibility for issuance of such permits to residents of
16 the county served by the tag agent. The department shall receive applications for and issue
17 parking permits by mail to persons with disabilities upon presentation of an affidavit of a
18 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of
19 podiatric medicine, licensed optometrist, or licensed chiropractor stating that such person
20 is a disabled person, the specific disability that limits or impairs the person's ability to walk,
21 and that he or she is a person with disabilities as specified in paragraph (5) of Code Section
22 40-6-221. Permits shall be in such form as the department prescribes but shall be of
23 sufficient size and sufficiently distinctively marked to be easily visible when placed on or
24 affixed to the driver's side of the dashboard or hung from the rearview mirror of the parked
25 vehicle. Permits shall be made of a substrate as determined by the commissioner and shall
26 be of sufficient quality to ensure that the coloring of the permit and the ink used thereon

27 will resist fading for a period of at least four years. Permits shall be issued to individuals,
28 and the name of the such individual, a recent photograph of such individual, and an
29 identification number shall appear on the permit. The individual to whom a permit is
30 issued may use the permit for any vehicle he or she is operating or in which he or she is a
31 passenger. Permits shall also be issued to institutions when the primary purpose of a
32 vehicle operated by the institution is to transport individuals with disabilities. The name
33 of the institution, the license number of the particular vehicle, and an identification number
34 shall appear on the permit. The institution shall use such permit only for a vehicle which
35 is operated by the institution and which is used primarily to transport individuals with
36 disabilities.

37 (b) The department shall issue a temporary permit to any temporarily disabled person upon
38 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic
39 medicine, licensed doctor of podiatric medicine, licensed optometrist, or licensed
40 chiropractor stating that such person is a temporarily disabled person, the specific disability
41 that limits or impairs the person's ability to walk, that he or she is a person with disabilities
42 as specified in paragraph (5) of Code Section 40-6-221, and a date until which such person
43 is likely to remain disabled. The temporary permit shall show prominently on its face a
44 recent photograph of the person issued such temporary permit and an expiration date the
45 same as the date specified by such doctor for the likely termination of the disability, which
46 date shall not be more than 180 days after the date the permit is issued. The expiration date
47 shall be printed with permanent ink and in boldface type of sufficient size to be legible
48 when the permit is displayed on the driver's side of the dashboard or hung from the
49 rearview mirror.

50 (c) The department shall issue a permanent permit to any permanently disabled person
51 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of
52 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, or
53 licensed chiropractor stating that such person is a permanently disabled person. The
54 affidavit shall further state the specific disability that limits or impairs the person's ability
55 to walk or that he or she is a person with disabilities as specified in paragraph (5) of Code
56 Section 40-6-221. Permits issued to a permanently disabled person shall include a recent
57 photograph of the person to whom such permit was issued. The department shall also issue
58 a permanent permit to an institution which operates vehicles used primarily for the
59 transportation of individuals with disabilities upon presentation of a certification from the
60 institution regarding use of its vehicles. The institution shall receive permits only for the
61 number of vehicles so used and shall affix the permits to the driver's side of the dashboards
62 of such vehicles. The permanent permit shall be predominantly blue in color and shall
63 show prominently on its face an expiration date four years from the date it is issued. The

64 expiration date shall be machine printed, not handwritten, in boldface type of sufficient size
65 to be legible when the permit is displayed on the driver's side of the dashboard or hung
66 from the rearview mirror.

67 (d) Any individual to whom a specially designated disabled veteran's license plate has
68 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to
69 whom a specially designated disabled person's license plate has been issued pursuant to
70 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the
71 specially designated license plate is attached in a parking place for persons with disabilities
72 without the necessity of obtaining a parking permit for persons with disabilities pursuant
73 to this Code section.

74 (e) The department shall issue a special permanent permit to any person who:

75 (1) Because of a physical disability drives a motor vehicle which has been equipped with
76 hand controls for the operation of the vehicle's brakes and accelerator; or

77 (2) Is physically disabled due to the loss of, or loss of use of, both upper extremities.

78 This special permanent permit shall be gold in color, include a recent photograph of the
79 person issued such permit, and ~~shall~~ show prominently on its face an expiration date four
80 years from the date it is issued. The expiration date shall be printed in a size of print that
81 is legible when the permit is displayed on the driver's side of the dashboard or hung from
82 the rearview mirror. Such a special permit shall be used in the same manner as, and shall
83 be subject to the provisions of this Code section relating to, other permanent parking
84 permits for persons with disabilities and shall also be used as provided in Code Section
85 10-1-164.1. In addition to any other required printing, the following shall be printed upon
86 this special gold permit:

87 'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any
88 owner or operator of a gasoline station that sells full-service gasoline at one price and
89 self-service at a lower price shall provide the service of dispensing gasoline at the
90 self-service price for the holder of this special permit when such holder requests such
91 service and is the operator of the vehicle and is not accompanied by another person 16
92 years of age or older who is not mobility impaired or blind.'

93 (f) The department and county tag agents shall not charge or collect any fee for issuing
94 parking permits for persons with disabilities under this Code section.

95 (g) Any special disabled person decal issued under the former provisions of this Code
96 section shall be valid until its expiration date but shall not be reissued.

97 (h) For purposes of this Code section, an active duty military physician shall be entitled
98 to submit an affidavit in support of the application of active duty or retired military
99 personnel for parking permits for persons with disabilities whether or not such physician
100 is licensed to practice in Georgia. Such affidavit shall state that the applicant is in active

101 military service and is stationed in Georgia pursuant to military orders or is retired from
102 the military and is a resident of Georgia and that such person is a disabled person, the
103 specific disability that limits or impairs the person's ability to walk, and that he or she is
104 a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.

105 (i) For purposes of this Code section, the department shall accept, in lieu of an affidavit,
106 a signed and dated statement from the doctor which includes the same information as
107 required in an affidavit written upon security paper as defined in paragraph (38.5) of Code
108 Section 26-4-5."

109 **SECTION 2.**

110 Code Section 10-1-164.1 of the Official Code of Georgia Annotated, relating to self-service
111 gasoline price for drivers holding special disability permit, is amended by revising subsection
112 (a) as follows:

113 "(a) Any owner or operator of a gasoline station which sells gasoline at one price when an
114 employee of the station dispenses the gasoline into a motor vehicle and at a lower price
115 when the customer dispenses the gasoline on a self-service basis shall comply with this
116 Code section. Any such owner or operator shall conduct the operations of the station so
117 that the holder of a special disability permit provided for in subsection (e) of Code Section
118 ~~40-6-222~~ 40-2-74.1 will, upon request, have gasoline dispensed by an employee of the
119 station at the self-service pump and will be allowed to purchase such gasoline at the price
120 otherwise charged for gasoline purchased on a self-service basis if:

121 (1) The holder of the permit is driving the motor vehicle into which the gasoline is to be
122 dispensed; and
123 (2) The holder of the permit is not accompanied by another person 16 years of age or
124 older who is not mobility impaired or blind. However, in such cases, the employee shall
125 not be required to provide any other service."

126 **SECTION 3.**

127 All laws and parts of laws in conflict with this Act are repealed.